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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/779,496	02/13/2004	Ellen W. Anderson		8062
7590	10/18/2005			
Kenneth L. Tolar Suite 2 2908 Hessmer ave. Metairie, LA 70002			EXAMINER YIP, WINNIE S	
			ART UNIT 3636	PAPER NUMBER

DATE MAILED: 10/18/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

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Office Action Summary

Application No.

10/779,496

Applicant(s)

ANDERSON, ELLEN W.

Examiner

Winnie Yip

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 13 February 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-3 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-3 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 13 February 2004 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- ☒ Notice of References Cited (PTO-892)
- ☒ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- ☐ Notice of Informal Patent Application (PTO-152)
- ☐ Other: _____

DETAILED ACTION

This is a first office action .

Drawings

1. The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, the feature of the arm including “a spring-biased locking pin” (claim 3) must be shown or the features canceled from the claim. No new matter should be entered.

Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as “amended.” If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either “Replacement Sheet” or “New Sheet” pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claim 1 is rejected under 35 U.S.C. 102(b) as being anticipated by Ma (US Patent No. 5,002,080).

Ma shows and discloses an expandable umbrella comprising: a pair of elongated telescoping shaft (19, 21) with a handle (20, 20) at an lower end of each shaft, a plurality of radially extending support struts (14) at the upper end of each shaft being expandable to a substantially perpendicular orientation relative to the shaft, a canopy (12) overlying the support struts, the canopy (12) having a pair of side sections (12) and a collapsible intermediate section (40) connected therebetween for covering the expanding area (42) to allow the canopy being expanded to cover an larger area.

3. Claim 1 is rejected under 35 U.S.C. 102(b) as being anticipated by Loeffler (US Patent No. 3,464,431).

Loeffler shows and discloses an expandable umbrella (see Fig. 5) comprising: a pair of elongated telescoping shaft (110, 110) with a handle (28', 28') at an lower end of each shaft, a plurality of radially extending support struts (16) at the upper end of each shaft being expandable to a substantially perpendicular orientation relative to the shaft, a canopy overlying the support struts, the canopy (12) having a pair of side sections (14') and a collapsible intermediate section

(12' and 13') connected therebetween for covering the expanding area to allow the canopy being expanded to cover an larger area.

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claim 2-3 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ma '080 as applied to claim 1 above, and further in view of Bethoon et al. (US Patent No.4,506,688).

The claims are considered to met by Ma as explained and applied above rejection except that Ma does not define the umbrella having a telescoping arm interconnecting the two shafts for expanding and collapsing the intermediate section of the canopy as claimed, Bethoon et al. teach an expandable umbrella shelter comprising a pair of telescoping shafts (22, 24) each having a connector at upper portion and supporting a plurality of support struts (16), a canopy (12) overlying the support struts, and an telescoping expandable arm (18) interconnecting the upper portions of the two shafts for stabilizing the umbrella structure between the two shafts and providing a support to an intermediate section of the canopy which connected between the struts of two shafts to be expanded or collapsed. Wherein the telescoping expandable arm (18) includes a spring-biased locking pin (25) via electing apertures, as old and well known telescoping mechanism, for adjustably locking two telescopic tubular members (18b, 18a) of the arm in an extended position. It would have been obvious to one ordinary skill in the art, at the

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time the invention was made, to modify the umbrella of Ma having an telescoping expandable arm interconnecting the two shafts as taught by Bethoon et al. for stabilizing the umbrella structure between the two shafts and supporting the intermediate section of the canopy of the umbrella in an expanded position and having the expandable arm being telescoping element for easily adjust the distance between two members in an expand or collapse position.

Conclusion

2. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Villa '490, Kinski '429, Kinski '900, Burton '632, Schuller '241, Loeffler '431, Lo Des. 328,182, and Huang '967 teach various expandable umbrellas having two umbrella sections with a collapsible intermediate section therebetween as similar to the claimed invention. Pittenger et al. '792 and Yeom '505 teach an umbrella structure comprising two umbrella sections with an arm interconnecting therebetween as similar to the claimed invention.

Inquiry Contacts

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Winnie Yip whose telephone number is 571-272-6870. The examiner can normally be reached on M-F (9:30-5:30).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Lanna Mai can be reached on 571-272-6867. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Winnie Yip
Primary Examiner
Art Unit 3637

wsy
September 29, 2005